

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 03 August 2000 (03.08.00)	Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ETATS-UNIS D'AMERIQUE
International application No. PCT/AU99/01141	Applicant's or agent's file reference 576/16043
International filing date (day/month/year) 23 December 1999 (23.12.99)	Priority date (day/month/year) 23 December 1998 (23.12.98)
Applicant MERCURI, Gervasio	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

12 July 2000 (12.07.00)

in a notice effecting later election filed with the International Bureau on:

2. The election was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Claudio Borton
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

13 JUL 2000 PCT

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:
MADDERNS
1st Floor
64 Hindmarsh Square
Adelaide, S.A. 5000
AUSTRALIA

Date of mailing (day/month/year) 06 July 2000 (06.07.00)		
Applicant's or agent's file reference 576/16043		
International application No. PCT/AU99/01141	International filing date (day/month/year) 23 December 1999 (23.12.99)	Priority date (day/month/year) 23 December 1998 (23.12.98)
Applicant ENNIO PTY. LTD. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU,CN,JP,KP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,GE,
GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,NO,NZ,
OA,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 06 July 2000 (06.07.00) under No. WO 00/38531

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a **demand for international preliminary examination** must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the **national phase**, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer J. Zahra Telephone No. (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/01141

A. CLASSIFICATION OF SUBJECT MATTER

Int Cl⁶: A22C 13/00; D02G 3/32

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC: A22C 13/00; D02G 3/32

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

AU: IPC as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI with keywords

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	AU 37655/95 A (ENNIO PTY LTD) 23 May 1996 Whole document	1-20
Y	Whole document	8-14, 20
X	AU 28758/95 A (MERCURI) 9 February 1996 Whole document	1-20
Y	Whole document	8-14, 20
X	AU 86641/91 A (REGAL MANUFACTURING COMPANY) 15 April 1992 Whole document	20
Y	Whole document	5-14, 19, 20

Further documents are listed in the continuation of Box C

See patent family annex

• Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
20 January 2000

Date of mailing of the international search report

21 JAN 2000

Name and mailing address of the ISA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized officer

JEFFREY CARL
Telephone No.: (02) 6283 2543

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/01141

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	AU 76669/81 A (S.A. DES FOLES LASTEX) 28 April 1983	20
Y	Whole document	5-14, 19, 20
	Whole document	
X	AU 46123/93 A (MERCURI) 9 December 1993	1-4, 15-18
Y	Whole document	5-14, 19, 20
	Whole document	
P, X	AU 90255/98 A (MINTZ) 22 March 1999	1-4, 15-18
	Whole document	
<u>NOTE:</u> With respect to the "Y" category documents, AU 86641/91 or AU 76669/81 can be combined with any one of AU 37655/95, AU 28758/95 or AU 46123/93 for the claims indicated.		

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/AU 99/01141

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
AU	37655/95	CA	2203642	EP	802996	NZ	294769
		US	5868612	WO	96/13626		
AU	28758/95	CA	2194482	NZ	289033	WO	96/01565
AU	86641/91	WO	92/05302	US	5303550		
AU	76669/81	BE	890774	BR	8106720	CA	1162115
		DE	3140900	DK	4605/81	FI	813274
		FR	2492418	GB	2090881	IT	1144846
		JP	57-95331	NL	8104751	NO	813487
		SE	8106123				
AU	46123/93	AU	61767/94	CA	2156242	EP	684767
		NZ	262323	US	5712007	WO	94/18843
AU	90255/98	US	5855231	WO	99/11136		

END OF ANNEX

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WORLD TRADE ORGANIZATION
PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 21 NOV 2000

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 16043 CLV:NH	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU99/01141	International Filing Date (<i>day/month/year</i>) 23 December 1999	Priority Date (<i>day/month/year</i>) 23 December 1998
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A22C 13/00; D02G 3/32		
Applicant ENNIO PTY LTD et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 4 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of sheet(s).	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input checked="" type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 12 July 2000	Date of completion of the report 14 November 2000
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JEFFREY CARL Telephone No. (02) 6283 2543

I. Basis of the report

1. With regard to the **elements** of the international application:*

the international application as originally filed.

the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of

the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of

the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of

the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:

contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages
 the claims, Nos.
 the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Statement

Novelty (N)	Claims	YES
	Claims 1-20	NO
Inventive step (IS)	Claims	YES
	Claims 1-20	NO
Industrial applicability (IA)	Claims 1-20	YES
	Claims	NO

2 Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

- (i) AU 37655/95
- (ii) AU 28758/95
- (iii) AU 86641/91
- (iv) AU 76669/81
- (v) AU 46123/93

Novelty (N) Claims 1-20

Claim 1: The invention defined in this claim is explicitly disclosed in each of citations (i), (ii) and (v). For example, citation (i) discloses a tubular casing for use with food products including circumferential threads that become taut at a preset diameter.

Claims 2-19: The minor features added by each of these claims are also explicitly disclosed either of citations (i) or (ii).

Claims 2-4, 15-18: The minor features added by each of these claims are also explicitly disclosed in citation (v).

Claim 20: The invention defined in this claim is explicitly disclosed in each of citations (i)-(iv).

Inventive Step (IS) Claims 1-20

Claims 1-20: See above.

Claims 5-14, 19, 20: Citation (v) when combined with any one of citations (iii) or (iv), as would be obvious to a relevant person skilled in the art, discloses all of the features of each of these claims.

Claims 8-14, 20: Either of citations (i) or (ii) when combined with any one of citations (iii) or (iv), as would be obvious to a relevant person skilled in the art, discloses all of the features of each of these claims.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU99/01141

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P,X AU 90255/98	22 March 1999	19 August 1998	29 August 1997

This document is considered relevant with respect to claims 1-4, 15-18.

With regard to the document(s) listed in Box VI under "certain documents cited", these are documents published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of documents published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)